

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2080-01  
Bill No.: HB 862  
Subject: Courts; Public Records; Public Meetings  
Type: Original  
Date: April 8, 2013

---

Bill Summary: This proposal establishes a procedure for the removal of civil judgement court records from a publically accessible automated case management system.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	(Could exceed \$311,237)	(Could exceed \$299,651)	(Could exceed \$302,648)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(Could exceed \$311,237)</b>	<b>(Could exceed \$299,651)</b>	<b>(Could exceed \$302,648)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	Could exceed 7 FTE	Could exceed 7 FTE	Could exceed 7 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>Could exceed 7 FTE</b>	<b>Could exceed 7 FTE</b>	<b>Could exceed 7 FTE</b>

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☒ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

RS:LR:OD

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal could be absorbed with existing resources.

Officials from the **Office of the State Courts Administrator (CTS)** state the proposed legislation allows a party to petition the court to have civil court records removed from an automated case management system.

In FY 2012 there were 203,319 civil cases disposed with select codes statewide. This data includes all circuit civil, associate civil-small claims, simple circuit civil, protection orders, probate and domestic relations case.

If ten percent of the civil cases were disposed (20,332) based upon our clerical weighted workload statistics, it would take 35 minutes to process the civil cases, 7 court clerk FTE at \$28,116 per clerk plus fringes. In addition, the programming and testing estimate would be four months of man hours. Given the contract price, the cost for four months of man hours would be \$64,000. However, if the amount of cases exceeds our expectation, any significant increase in the workload will be reflected in future budget requests. This amount could be in the millions.

CTS also stated they would not collect any additional revenue from the numerous petitions filed to have the information removed from Case.Net.

**Oversight** will reflect the anticipated costs as estimated by CTS and assume the costs Could Exceed the amounts shown if a large number of individuals request their civil case dispositions be removed from Case.Net.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
<b>GENERAL REVENUE</b>			
<u>Costs - CTS</u>			
Personal Service (could exceed 7 FTE)	(\$164,010)	(\$198,780)	(\$200,768)
Fringe Benefits	(\$83,227)	(\$100,871)	(\$101,880)
Expenses (programming)	<u>(\$64,000)</u>	<u>\$0</u>	<u>\$0</u>
<u>Total Costs - CTS</u>	(Could exceed <u>\$311,237</u> )	(Could exceed <u>\$299,651</u> )	(Could exceed <u>\$302,648</u> )
FTE Change - CTS	Could exceed 7 FTE	Could exceed 7 FTE	Could exceed 7 FTE
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b>(Could exceed <u>\$311,237</u>)</b>	<b>(Could exceed <u>\$299,651</u>)</b>	<b>(Could exceed <u>\$302,648</u>)</b>
Estimated Net FTE Change for the General Revenue Fund	Could exceed 7 FTE	Could exceed 7 FTE	Could exceed 7 FTE
 <u>FISCAL IMPACT - Local Government</u>	 FY 2014 (10 Mo.)	 FY 2015	 FY 2016
	<u><b>\$0</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This bill specifies that a party to a civil case may file a petition with the presiding court seven years after final judgment to have all court records, including transcripts and docket entries pertaining to the proceeding, removed from any automated case management system available to the public, including Case.Net. Upon receiving the petition, the court must remove the specified civil court records from the automated case management system. The removal of the records from the case management system must not be considered an order sealing the case records or an expungement.

RS:LR:OD

FISCAL DESCRIPTION (continued)

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office  
Office of the State Courts Administrator



Ross Strobe  
Acting Director  
April 8, 2013